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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,726	01/24/2001	Koen Schilders	027544-011	3658

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EXAMINER

AGDEPPA, HECTOR A

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,726

Applicant(s)

SCHILDERS ET AL.

Examiner

Hector A. Agdeppa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 7/9/2004. Claims 1 – 4 and 6 – 33 are now pending in the present application. **This action is made final.**

Specification

2. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

Applicant seems to have merely numbered the paragraphs of the previous specification without addressing the idiomatic English issues cited in the previous office action and so it is being re-requested. For example, see P. 8, ¶ 0027, sentence 2, P. 9, ¶ 0029, sentence 1, and P. 11, ¶ 0036, sentence 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 3, 5, 10 – 13, 16 – 20, 22 – 25, 30, 31, and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,052,382 (Burke et al.)

As to claims 1, 10, and 11, Burke et al. teaches configurable mediation devices and systems for mediating information between a network element(s) 12 and an operations support system(s) 14 using a protocol(s) that is/are different from the network element(s) protocol(s). (Abstract, Col. 3, lines 17 – 27)

Burke et al. teaches that network elements 12 will send messages, read as the claimed input signal data, to mediating device 10, read as the claimed data processing network element, which contains therein a processor 16, NEDL files 18 which are reference files defining a structured network-element-description-language (NEDL) format referencing information-management roles pertaining to a given network element 12. Device 10 also contains a plurality of map files 19, which map associations between the operations support system protocol and the NEDL format, and allows processor 16 to recompose messages, read as the claimed output signal data, in accordance with the mapped associations. Finally, device 10 contains software modules 36 and 50, which allow processor 16 to recognize general patterns in incoming messages and recompose them in a format suitable for transmission to operations support system 14. (Figs. 1, 3, 4, 6, Col. 2, lines 16 – 65, Col. 4, line 59 – Col. 5, line 40, Col. 7, line 65 – Col. 8, line 17, Col. 10, lines 58 – 67)

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Furthermore, Burke et al. teaches that the mediation device itself uses a common protocol. (Col. 3, lines 28 – 40) Also, it is inherent that all the above-mentioned components have some generic component interface inasmuch as they all communicate with each other in device 10 without any conversion or protocol translation.

Burke et al. finally teaches that device 10 may be configured or reconfigured for a given network element(s) by adapting the NEDL files, which allow new elements to be inserted into the system. Therefore, because of the above-discussed functionality, and this configurable aspect, it is inherent that there is a flexible architecture for combining the components. Note that as mentioned above, device 10 may contain a plurality of NEDL files 18 and map files 19 and they must be combined in order for device 10 to recognize network element messages and recompose them for the operations support system. (Col. 3, lines 40 – 51, Col. 6, line 1 – 4, Col. 11, lines 1 - 14)

See also configuration mediation device 86 of Fig. 4, wherein Burke et al. teaches that device 86, which can read on the claimed data processing network element, can recompose messaged received for communications by network element 80 for transmission to BOTH a FIRST AND SECOND operations support systems 82 and 84, both of which have different protocols and configurations. (Fig. 4, Col. 12, lines 25 – 49) Therefore, one device, using the linking and recomposition/mapping files 18 and 19 can generate different data for each of a plurality of operational support systems.

As to claims 2, 23, and 24, because device 10 employs mapping files and reference files 19 and 18, and Burke et al. teaches configuration and reconfiguration of device 10 is possible, it is inherent that a link-up file is processed which dictates an internal build-up of the components dependent on the properties they export to device 10. Unless this is done, the mapping and reference files might possibly not synch up and therefore, no proper translations and references could be made between the different incoming and outgoing protocols. Such a feature is inherent here and in any system which employs mapping elements that may be configured at will. This is analogous to the building up of dynamic libraries or link libraries.

Moreover, Burke et al. teaches a control unit 88 which controls configuration of device 10 and uses a configuration file 90. (Col. 12, lines 35 – 65)

As to claims 3 and 25, because Burke et al. teaches “dynamic” reconfiguration of device 10, it is inherent that rearranging or re-linking of components during run-time/in real time. (Col. 3, lines 44 – 51)

As to claim 5, see the rejection of claims 1 and 3 and note that if a new element is added to the system, a new NEDL file 18 and/or mapping file 19 would have be inserted into device 10 and inasmuch as dynamic reconfiguration is allowed, it is inherent that such a process includes easy addition of components such as files 18 and 19. (Col. 12, lines 46 – 65)

As to claim 12, as discussed above, the components in device 10 range from data files to rules files to a processor. Therefore, the adapters are crossing between a

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processor, read as the claimed machine, and software, i.e., mapping files and rules files, read as the claimed process.

As to claim 13, such would be inherent. If old and new data were allowed to mix, as already noted above, mapping files and rules would not be able to associate themselves properly and thus would not be able to recompose messages properly.

As to claims 16 and 17, see the rejection of claim 12 and Col. 4, line 66 – Col. 5, line 10.

As to claim 18, see Fig. 3.

As to claims 19 and 30, as discussed above, there are a plurality of mapping files and rules that may be combined, configured, in various ways. Therefore, if 2 network elements were being used in the system, the associated files and maps would constitute one cluster. If those 2 elements were substituted with 2 different elements, the associated maps and files regarding the 2 new and different elements would constitute another cluster.

As to claims 20 and 31, as discussed above, a plurality of maps and files may be implemented. Therefore, the cluster of components can be considered to be as many levels deep as there are the number of maps and files being used, which of course would correspond with the number of different network elements being used in the system. Moreover, see Fig. 3, wherein multiples processors are used also indicating multiple levels in a cluster.

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As to claims 22 and 33, see Col. 5, lines 7 – 10 wherein multiple NEDL files are stored in memory and may be pulled up when needed, effectively creating a library of files or components.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 4, 6 – 9, 14, 15, 21, 26 – 29, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,052,382 (Burke et al.)

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As to claims 4 and 26, Burke et al. has been discussed above but does not teach sending an external signal when the configuration file needs to be re-read and re-linked.

However, such a feature is obvious if not inherent. Such a limitation can be likened to merely sending an alarm if a failure occurs, i.e., the configuration file was not read properly and must be read again in order to attempt to fix the failure. It would have been obvious for one of ordinary skill in the art at the time the invention was made inasmuch as no system operates in a manner such that if a failure or if a problem occurs, the system just stops operating without a re-attempt, restart, alarm notification, etc. The same reasoning also applies to re-linking. See also the rejection of claims 3 and 25 above.

As to claims 6 and 27, Burke et al. has been discussed above but does not teach component galleries based on component name.

However, as discussed above, Burke et al. essentially teaches the use of a component library. How that library is organized is purely a design choice or preference for one of ordinary skill in the art at the time the invention was made. A natural way to store the plurality of NEDL or map files 19 discussed above, would be to group the plurality of different NEDL files under the category NEDL files, for example.

As to claims 7 and 28, Burke et al. has been discussed above, but does not teach validation based on component properties.

However, as already discussed for claims 4 and 26, validating the components of a system is old and well known so that a system may be started or operated without failure. And of course, Burke et al., as discussed above teaches the use of a

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configuration file and that it is inherent that components must be synch'ed or linked up, and if validating components, it is the properties of those components that would be verified.

As to claim 8, Burke et al. has been discussed above, but does not teach that the device 10 can be co-located with a network element.

However, Burke et al. teaches that the mediating device may stand alone or be implemented in a computer embodying the operations support system. (Col. 4, line 66 – Col. 5, line 8 of Burke et al.) It would have been obvious for one of ordinary skill in the art at the time the invention was made to have allowed device 10 to be co-located with a network element inasmuch as this merely is a physical rearranging of system elements. Co-location with either side of the system is obvious because device 10 contains elements that communicate with those two sides.

As to claim 9, Burke et al. has been discussed above, but does not teach that a database for storing incoming messages or inputs.

However, such is old and well known in telephony and computer arts. This limitation is merely citing a buffer. Buffers are commonplace in messaging environments such as the one in Burke et al. because many times, a processor may become overloaded, or received messages may be incomplete, etc. Therefore, to add a buffer is an old and well known method of preventing data loss and for effecting short-term storage, i.e., until a processor is no longer overloaded, so that messages do not have to be re-sent, but rather may be retrieved from the buffer.

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As to claims 14 and 15, Burke et al. has been discussed above, but does not teach checkup and backup features. However, because validation and redundancy feature are old and well known, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have included such features. Checking components is obvious if not inherent in many systems simply because no one desires system failure. Also, back-ups or redundant systems merely allow for operation of a system when a component goes down, whether because a component cannot handle and input to it or simply fails for some other reason.

As to claims 21 and 32, Burke et al. has been discussed above, but does not explicitly teach such a limitation.

However, this is merely how one chooses to define a cluster. As discussed above, Burke et al. contemplates many variations on the system. If for example, one configuration involved network elements A and B and another configuration involved element A and C, each associated cluster would include components associated with element A, but would have different clusters as to elements B and C.

As to claim 29, Burke et al. has been discussed above but does not teach that configuration file 90 is defined in a special language.

However, such would be obvious to one of ordinary skill in the art at the time the invention was made inasmuch as the configuration file is only used to control the configuration of mediation device 10. Therefore, it desired, one could have designed a special language for this purpose because it doesn't need to communicate directly with any other aspect of the system. Moreover, many times, configuration applications have

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GUI interfaces and the like and are developed using a special language, not needed by any other components.

Response to Arguments

5. Applicant's arguments filed 7/9/2004 have been fully considered but they are not persuasive. Applicant's arguments have been addressed above in the rejection of claim 1.

Moreover, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "file blocker" and "printer processing" components) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As to applicant's arguments regarding examiner's certain statements of inherency, applicant's arguments are misplaced. Examiner's statements were directed to the startup limitation whereas applicant is arguing the processing aspects of the claim. In other words, examiner was merely stating that in order for the claimed system, the system of Burke, or any system for that matter, to work properly, all its components must be linked or working together. For example, in a simplistic telephony system consisting of two telephone units and a switch, a call cannot be processed without any one of the units or the switch.

Finally, as to applicants assertion that Burke et al. seeks to solve a different problem, with the broad and generalistic language used in the claims, even if arguendo, applicant were correct, nothing in the claim language would preclude Burke et al. reading on the claimed invention. Also, as claimed, "generating different data" to each of said operation support systems clearly suggests at the least, a difference in protocol, since protocol messages are in fact data that must get transmitted to an operation support system.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 571-272-7480. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hector A. Agdeppa
Examiner
Art Unit 2642

May 23, 2005
H.A.A.

A handwritten signature in black ink, appearing to read 'Bing Q. Bui', is written over a horizontal line.

BING Q. BUI
PRIMARY EXAMINER